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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ALICIA OROZCO MICHEL,

12 Plaintiff,

13 vs.

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15 MICHAEL J. ASTRUE,

16 Defendant.
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CASE NO. 09-CV-2214 JLS (POR)

**ORDER: (1) ADOPTING REPORT
AND RECOMMENDATION;
(2) GRANTING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT; (3) DENYING
DEFENDANT'S CROSS-MOTION
FOR SUMMARY JUDGMENT;
(4) REMANDING FOR FURTHER
PROCEEDINGS**

(Doc. Nos. 14–16)

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19 Presently before the Court are Plaintiff's motion for summary judgment (Doc. No. 14),
20 Defendant's cross-motion for summary judgment (Doc. No. 15), and Magistrate Judge Porter's report
21 and recommendation advising the Court to grant Plaintiff's motion, deny Defendant's motion, and
22 remand for further proceedings (Doc. No. 16).

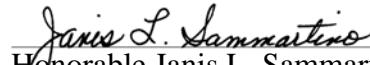
23 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district court's
24 duties in connection with a magistrate judge's report and recommendation. The district court must
25 "make a de novo determination of those portions of the report to which objection is made," and "may
26 accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate
27 judge." 28 U.S.C. § 636(b)(1); *see also United States v. Raddatz*, 447 U.S. 667, 673–76 (1980);
28 *United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely

1 objection, the Court “need only satisfy itself that there is no clear error on the face of the record in
2 order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee’s note (citing *Campbell*
3 *v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

4 Here, neither party has timely filed objections to Magistrate Judge Porter’s report and
5 recommendation. (See R&R 20 (objections due by February 25, 2011).) Having reviewed the report
6 and recommendation, the Court finds that it is thorough, well reasoned, and contains no clear error.
7 Accordingly, the Court hereby (1) **ADOPTS** Magistrate Judge Porter’s report and recommendation,
8 (2) **GRANTS** Plaintiff’s motion for summary judgment, (3) **DENIES** Defendant’s cross-motion for
9 summary judgment, and (4) **REMANDS** this matter for further proceedings consistent with the report
10 and recommendation.

11 **IT IS SO ORDERED.**

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13 DATED: February 28, 2011

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15 Honorable Janis L. Sammartino
16 United States District Judge
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